

Remarks

Claims 1-18 and 20-23 are pending.

Claim 1 is amended.

Claims 2, 4-8, 12-17, 20 and 21 are original.

Claims 3, 9-11, 18, 22 and 23 are as previously presented.

Claim 1 is amended to insert the limitation "oil in water" between "heterophase" and "radical" in line 3. Support is found in claims 11.

No new matter is added.

Claims 1-18 and 20-23 are rejected under 35 USC 103(a) over Berner, et. al., US 5,476,882 which discloses polymeric micro particles stabilized by incorporation of light stabilizers. Berner also discloses formation of the polymers in the presence of the stabilizers and aqueous dispersions, col 38 lines 50-63.

Applicants respectfully traverse the rejections.

Berner teaches the stabilization of microparticles, col 1 lines 40-43. The micro particles of Berner contain explicitly 0.1 to 30% light stabilizer, column 1 lines 52 to 54, and no example exceeds 3%. However, the Action states that the art does not teach that 50 or 60% stabilizer is unobtainable or undesirable and therefore it is obvious to add more.

Berner does not teach, suggest or enable any composition wherein a stabilizer and a polymer are present and the stabilizer is the major material, i.e., >50%. Applicants respectfully maintain that while Berner does not teach the undesirability of higher concentrations of stabilizers, the lack of teaching one point can not be construed as a positive teaching of the opposite point. There is no evidence in Berner that such a composition was contemplated, in fact, based on the discussion and stated goals of Berner, a more logical assumption would be that Berner, for economic and performance reasons chose not to consider higher concentrations. Applicants respectfully point out that in addition to limiting the expense of light stabilizers, polymer formulators would also want to avoid an overabundance of any additive since their presence disrupts the polymer matrix in some way and too much additive can have a deleterious impact on the physical properties of the final composition or lead to unwanted interactions with other components.

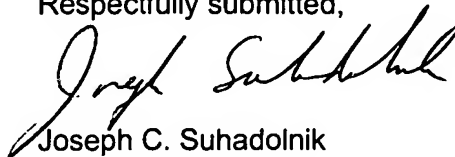
Applicants respectfully aver that the appropriate interpretation of the lack of a specific teaching in Berner, is that Berner would have suggested higher concentrations than those explicitly detailed if Berner believed such concentrations to be part of the invention.

Moreover, Berner fails to suggest other important features of the present invention. For example, Berner describes a process for the preparation of a stabilized dispersion in water. It is a two step process. As for example shown in Ex.13.1 a light stabilized polymethacrylate microparticle dispersion is prepared and the final organic dispersion is then added to water. The organic solvent distills off (see Ex. 13.2) and an aqueous dispersion is formed by solvent-switch.

The instant invention provides high concentrations of non-polar light stabilizers in an aqueous dispersion made possible by preparing a polymer carrier by heterophase oil in water radical polymerization of at least one ethylenically unsaturated monomer in the presence of a non-polar organic light stabilizer. Berner fails to disclose either the heterophase polymerization or the direct preparation of the polymer in the aqueous dispersion. Applicants have already submitted one declaration showing that the mode of dispersion preparation has an impact on the amount of stabilizer that can be successfully incorporated into a stable dispersion.

Thus, Applicants respectfully submit that Berner fails to make obvious the instant invention by not suggesting the claimed composition and by not suggesting the method of the invention which makes the claimed dispersion possible. Applicants therefore respectfully submit that the rejections under 35 USC 103(a) over Berner, et. al., US 5,476,882 are addressed and are overcome and kindly ask that the rejections be withdrawn and that claims 1-18 and 20-23 be found allowable. In the event that minor amendments will further prosecution, Applicants request that the Examiner contact the undersigned representative.

Respectfully submitted,



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